

CHAPTER 25

RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1	Definitions
Rule 25.2	General
Rule 25.3	Procedural
Rule 25.4	Technical
Rule 25.5	Rules specific to the supreme <u>Supreme</u> court and court of appeals
Rules 25.6 to 25.9	Reserved
Rule 25.10	Forms
	Form 1: <u>News</u> Media Coordinator's Notice of Request(s) <u>Request</u> for Expanded <u>News</u> Media Coverage of Trial or Proceeding
	Form 2: Objection of Party to Expanded <u>News</u> Media Coverage of Trial or Proceeding
	Form 3: Objection of Witness to Expanded <u>News</u> Media Coverage of Testimony

CHAPTER 25

RULES FOR EXPANDED NEWS MEDIA COVERAGE

Rule 25.1 Definitions. As used in this chapter:

25.1(1) ~~“Expanded news media coverage” includes broadcasting, televising, electronic recording, or photographing of judicial proceedings for the purpose of gathering and disseminating news to the public.~~ includes broadcasting, recording, photographing, and live electronic reporting of judicial proceedings by the news media for gathering and disseminating news in any medium. Expanded news media coverage is limited to the news media unless otherwise ordered by the judicial officer.

25.1(2) ~~“Good cause” for purposes of exclusion under this chapter means that coverage will have a substantial effect upon the objector which that would be qualitatively different from the effect on members of the public in general and that such effect will be qualitatively different from coverage by other types of media.~~

25.1(3) ~~“Judge”~~ “Judicial officer” means the magistrate, district associate judge, or district judge presiding in a trial court proceeding, or the presiding judge or justice in an appellate proceeding.

25.1(4) ~~“Judicial proceedings” or “proceedings” shall include~~ includes all public trials, hearings, or other proceedings in a trial or appellate court, for which expanded news media coverage is requested, except those specifically excluded by this chapter.

25.1(5) “News media” includes any person who regularly gathers, prepares, photographs, records, writes, edits, reports, or publishes news or information about matters of public interest in any medium and who successfully applies to participate in expanded news media coverage and agrees to comply with all court rules.

25.1(6) ~~“Media News media coordinator” shall include~~ includes news media coordinating councils as well as the designees of such coordinators or councils.

Rule 25.2 General. ~~Broadcasting, televising, recording, and photographing~~ Expanded news media coverage of judicial proceedings will be permitted ~~in the courtroom and adjacent areas during sessions of the court, including recesses between sessions,~~ under the following conditions:

25.2(1) ~~Prior authorization. Permission first shall have been granted expressly by~~ No expanded news media coverage shall occur without prior express authorization from the judge judicial officer, who may prescribe ~~such~~ conditions of coverage as provided ~~for~~ in this chapter.

25.2(2) Rights to a fair trial. Expanded news media coverage of a proceeding ~~shall be~~ is permitted, unless the ~~judge~~ judicial officer concludes, for reasons stated on the record, that under the circumstances of the particular proceeding, such coverage would materially interfere with the rights of the parties to a fair trial.

25.2(3) Coverage of witnesses.

a. Expanded news media coverage of a witness ~~also~~ may be refused by the ~~judge~~ judicial officer upon objection and showing of good cause by the witness.

b. In prosecutions for sexual abuse, or for charges in which sexual abuse is an included offense or an essential element of the charge, ~~there shall be~~ no expanded news media coverage of the testimony of a ~~victim/witness~~ victim witness is permitted unless such victim witness consents.

c. ~~Further, an objection~~ Objection to coverage by a ~~victim/witness~~ victim or witness in any other forcible felony prosecution, and by police informants, undercover agents, and relocated witnesses, shall enjoy a rebuttable presumption of validity. The presumption is rebutted by a showing that expanded news media coverage will not have a substantial effect upon the particular individual objecting to such coverage ~~which that would be qualitatively different from the effect on members of the public in general, and that such effect will would not be qualitatively different from coverage by other types of news media.~~

25.2(4) Initial appearances in criminal proceedings.

a. Oral or written requests for expanded news media coverage of initial appearances in criminal proceedings must be made to the judicial officer presiding over the proceeding. Such expanded news media coverage, if authorized by the judicial officer, is subject to objection by the prosecutor, defendant, or defendant's attorney.

b. The defendant shall be advised by the judicial officer of the defendant's right to orally object to expanded news media coverage prior to the commencement of the proceeding, and any such objection will be heard and determined by the judicial officer prior to the commencement of the proceeding. The judicial officer may rule on the basis of the oral objection alone.

c. A judicial officer's authorization of expanded news media coverage of an initial appearance applies only to the particular initial appearance. Authorization for expanded news media coverage of proceedings subsequent to the initial appearance must be requested separately under rule 25.3(2)(b).

~~25.2(4)~~ **25.2(5) Private court proceedings.** Expanded news media coverage is prohibited ~~of~~ for any court proceeding which, under Iowa law, is required to be held in private. ~~In any event, no coverage shall be permitted.~~ Coverage is prohibited in any juvenile, dissolution, adoption, child custody, or trade secret cases unless consent on the record is obtained from all parties, (including a parent or guardian of a minor child).

~~25.2(5)~~ **25.2(6) Jury selection.** Expanded news media coverage of jury selection is prohibited. Expanded news media coverage of the return of the jury's verdict shall be permitted. In all other circumstances, however, expanded news media coverage of jurors is prohibited except to the extent it is unavoidable in the coverage of other trial participants or courtroom proceedings. The policy of the rules in this chapter is to prevent unnecessary or prolonged photographic or video coverage of individual jurors.

~~25.2(6)~~ **25.2(7) Court conferences.** There shall be no audio pickup or broadcast of conferences in a court proceeding between attorneys and their clients, between co-counsel attorneys, between counsel attorneys and the presiding judge judicial officer held at the bench or in chambers, or between judges judicial officers in an appellate proceeding.

~~25.2(7)~~ **25.2(8) Equipment.** The quantity and types of equipment permitted in the courtroom ~~shall be~~ is subject to the discretion of the judge judicial officer within the guidelines set out in this chapter.

~~25.2(8)~~ **25.2(9) Variance application.** Notwithstanding the provisions of any of the procedural or technical rules in this chapter, the presiding judge judicial officer, upon application of the news media coordinator, may permit the use of equipment or techniques at variance ~~therewith~~ with the rules, provided the application for variance is included in the advance notice of coverage provided for in rule 25.3(2). Objections, if any, shall be made as provided by in rule 25.3(3). Ruling upon such a variance application ~~shall be~~ is in the sole discretion of the presiding judge judicial officer, who may allow Such such variances ~~may be allowed by the presiding judge~~ without advance application or notice if all counsel attorneys and parties consent to ~~the variance~~.

~~25.2(9)~~ **25.2(10) Limiting coverage during proceeding.** The judge judicial officer may, as to any or all news media participants, limit or terminate ~~photographic or electronic expanded news media coverage~~ at any time during the proceedings in the event the judge judicial officer finds that rules established under this chapter, or additional rules imposed by the presiding judge judicial officer, have been violated or that substantial rights of individual participants or rights to a fair trial will be prejudiced by such manner of expanded news media coverage if it is allowed to continue.

~~25.2(10)~~ **25.2(11) Limited to news media.** The rights-privileges of ~~photographic and electronic expanded news media coverage provided for herein in these rules~~ may be exercised only by persons or organizations ~~which that~~ are part of the news media.

~~25.2(11)~~ **25.2(12) Identification.** All news media personnel authorized to use electronic devices in the courtroom must wear identification, which is clearly visible to the judicial officer and members of the jury and

which states the person's name and media affiliation.

25.2(13) Ceremonial proceedings. A ~~judge~~judicial officer may authorize expanded news media coverage of investitive or ceremonial proceedings at variance with the procedural and technical rules of this chapter as the ~~judge~~judicial officer sees fit.

Rule 25.3 Procedural.

25.3(1) Media News media coordinator and coordinating councils. ~~Media~~ News media coordinators ~~shall will~~ be appointed by the supreme court from a list of nominees provided by a representative of the news media designated by whom the supreme court designates. The ~~judge~~judicial officer and all interested members of the news media shall will work, whenever possible, with and through the appropriate news media coordinator regarding all arrangements for expanded news media coverage. The supreme court ~~shall will~~ designate the jurisdiction of each news media coordinator. In the event a news media coordinator has not been nominated or is not available for a particular proceeding, the ~~judge~~judicial officer may deny expanded news media coverage or may appoint an individual from among local working representatives of the news media to serve as the coordinator for the proceeding.

25.3(2) Advance notice of coverage.

a. All requests ~~by representatives of the news media to use photographic equipment, television cameras, or electronic sound recording equipment in the courtroom for expanded news media coverage in all proceedings, except initial appearances in criminal cases,~~ shall be made to the news media coordinator. The news media coordinator, in turn, shall inform ~~counsel the attorneys~~ for all parties and the ~~presiding judge~~ judicial officer at least ~~14~~seven days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by court order. When the proceeding is not scheduled at least ~~14~~ seven days in advance, ~~however,~~ the news media coordinator or news media coordinating council ~~shall~~ must give notice of the request as soon as practicable after the proceeding is scheduled.

b. Notice ~~shall must~~ be ~~in writing,~~ filed electronically or by paper copy ~~in with~~ the appropriate ~~clerk's office clerk of court~~. A copy of the notice shall be sent ~~by ordinary mail electronically, delivered by ordinary mail, or delivered in person~~ to the last known address contact of all ~~counsel attorneys~~ of record, parties appearing without ~~counsel attorney representation~~, the appropriate court administrator, and the ~~judge~~judicial officer expected to preside at the proceeding for which expanded news media coverage is ~~being~~ requested.

c. A separate request for expanded news media coverage must be made for Iowa Supreme Court and Iowa Court of Appeals oral arguments.

e. ~~d. The notice form Form 1 in rule 25.5 25.10 is the notice form for the news media coordinator to use to inform the attorneys for all parties and the judicial officer of a request for expanded news media coverage of the proceeding. illustrative and not mandatory.~~

25.3(3) Objections.

a. A party to ~~any~~ proceeding, except an initial appearance in a criminal case, objecting to expanded news media coverage under rule 25.2(2) ~~shall must~~ file a written objection, stating the grounds ~~therefor~~ for objection, at least three days before commencement of the proceeding.

b. All witnesses ~~shall must~~ be advised by ~~counsel the attorney~~ proposing to introduce their testimony of their right to object to expanded news media coverage, and all objections by witnesses under rule 25.2(3) ~~shall must~~ be filed prior to commencement of the proceeding.

c. Witnesses shall be entitled to the assistance of the clerk of court in providing copies of this objection to all attorneys of record, parties appearing without attorney representation, the news media coordinator for the judicial district, the district court administrator for the judicial district, and the judicial officer expected to preside in the proceeding.

d. All objections shall be heard and determined by the ~~judge~~judicial officer prior to the commencement of

the proceedings. The ~~judge~~judicial officer may rule on the basis of the written objection alone.

~~e. In addition, the~~ The objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by such other means as the ~~judge~~judicial officer directs. The ~~judge~~judicial officer in absolute discretion may permit presentation of such evidence by the news media coordinator in the same manner.

f. Time for filing of objections may be extended or reduced in the discretion of the ~~judge~~judicial officer, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this chapter.

g. ~~The objection forms Form 2 in rule 25.5 25.10 are illustrative and not mandatory is the form for parties and Form 3 is the form for witnesses to use to object to expanded news media coverage of the proceeding. illustrative and not mandatory.~~

Rule 25.4 Technical.

25.4(1) Equipment specifications. Equipment ~~to be~~ used by the news media in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, such equipment must satisfy the following criteria, where applicable:

a. Still cameras. Still cameras and lenses must be unobtrusive, ~~without~~ and not cause distracting light or sound.

b. Television cameras and related equipment. Television cameras ~~are to be electronic and~~, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light. Television cameras are to be designed or modified so that participants in the judicial proceedings ~~being covered~~ are unable to determine when recording is occurring.

c. Audio equipment. Microphones, wiring, and audio recording equipment ~~shall~~ must be unobtrusive and ~~shall be~~ of adequate technical quality to prevent interference with the judicial proceeding being covered. ~~The judicial officer must approve Any any changes in existing audio systems. must be approved by the presiding judge.~~ No modifications of existing systems shall be made at public expense. Microphones for ~~use of counsel attorneys and judges~~judicial officers to use ~~shall~~ must be equipped with off/on switches to facilitate compliance with rule ~~25.2(6)~~25.2(7).

d. Electronic devices. All electronic devices used for recording audio, video, or still images must adhere to rule 25.4(3)(a). All other electronic devices not used for recording audio, video, or still images must be unobtrusive and not cause distracting light or sound, and are not subject to the limitations of rule 25.4(3)(a). Electronic devices include, but are not limited to, laptop computers, cellular telephones, personal digital assistants, smart phones, and tablet computers.

d.e Advance approval. It ~~shall be~~ is the duty of news media personnel to demonstrate to the ~~presiding judge~~ judicial officer reasonably in advance of the proceeding that the equipment sought to be utilized meets the criteria set forth in this rule. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All news media equipment and personnel ~~shall~~ must be in place at least fifteen minutes prior to the scheduled time of commencement of the proceeding.

25.4(2) Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. ~~With the concurrence of authorization from the presiding judge~~judicial officer, however, modifications may be made in light sources existing in the courtroom (e.g., higher wattage lightbulbs), provided such modifications are installed and maintained without public expense.

25.4(3) Equipment and pooling. The following limitations on the amount of equipment and number of photographic and broadcast news media personnel in the courtroom ~~shall~~ apply:

a. Still photography. Not more than two still photographers, each using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.

b. Television. Not more than two television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a judicial proceeding. Where possible, recording and broadcasting equipment which is not a component part of a television camera shall be located outside of the courtroom.

c. Audio. Not more than one audio system shall be set up in the courtroom for broadcast coverage of a judicial proceeding. Audio pickup for broadcast coverage shall be accomplished from any existing audio system present in the courtroom, if such pickup would be technically suitable for broadcast. Where possible, electronic audio recording equipment and any operating personnel shall be located outside of the courtroom.

a. Video recording, audio recording, and still photography. Not more than five total members of the news media using still cameras, television cameras, audio recorders, and electronic devices, or any combination of the four, to photograph, video, or record audio are permitted in the courtroom during a judicial proceeding. Each still photographer may use two camera bodies each with a fixed lens or one camera body and two lenses. Where possible, all recording and broadcasting equipment that is not a component part of a camera or an electronic device and any operating personnel shall be located outside of the courtroom. Audio pickup for broadcast coverage must be accomplished from any existing audio system present in the courtroom if such pickup would be technically suitable for broadcast.

b. Electronic devices not used for recording audio, video, or still images. The devices defined in rule 25.4(1)(d) may be used in the courtroom by members of the news media for live electronic reporting with advance approval from the judicial officer, provided the equipment does not make any disruptive noise or interfere with court equipment. Electronic devices may not be used for telephone calls by anyone in the courtroom. Electronic devices for photography, video recording, audio recording, or streaming video may not be used by anyone in the courtroom unless approved by the judicial officer in advance of the proceeding as defined in rule 25.4(3)(a). The rule applies to news media only as defined in rule 25.1. Use of such electronic devices by others is prohibited.

d. Pooling. Where the above limitations on equipment and personnel make it necessary, the news media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the news media coordinator, and the presiding judge/judicial officer shall not be called upon to mediate any dispute as to the appropriate news media representatives authorized to cover a particular judicial proceeding. Representatives of news media are responsible for contributing to electronic pool coverage of judicial proceedings when necessary. If a news organization is incapable of contributing to pool coverage, the news media coordinator may allow the news organization to share the pool coverage or may restrict the news organization's coverage.

25.4(4) Location of equipment and personnel. Equipment and operating personnel, including news media using electronic devices to transmit and receive data communication, shall must be located in, and coverage of the proceedings shall must take place from, an area or areas the judicial officer designates within the courtroom designated by the presiding judge. The area or areas designated shall provide reasonable access to the proceeding to be covered.

25.4(5) Movement during proceedings. Television cameras and audio equipment may be installed in or removed from the courtroom only when the court is not in session. In addition, such equipment shall at all times be operated from a fixed position. Still photographers, and broadcast News media personnel shall not move are prohibited from moving about the courtroom while proceedings are in session, nor shall they engage and from engaging in any movement which that attracts undue attention. Still photographers shall not assume body positions inappropriate for spectators.

25.4(6) Decorum. All still photographers and broadcast news media personnel shall be properly attired and shall maintain proper courtroom decorum at all times while covering a judicial proceeding.

Rule 25.5 ~~Rules specific to the supreme~~ Supreme court and court of appeals.

25.5(1) ~~Video recording, Internet streaming, and expanded~~ Expanded news media coverage of oral arguments.

a. All regularly scheduled Iowa Supreme Court and ~~Iowa court~~ Court of appeals ~~Appeals~~ oral arguments ~~shall be subject to video recording,~~ will be available for streaming over the Internet, and expanded news media coverage. The rules in this chapter allowing objections to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

b. The prohibitions in rule ~~25.2(4)~~ 25.2(5) on the types of cases subject to expanded news media coverage do not apply to supreme court and court of appeals oral arguments.

25.5(2) Expanded news media coverage.

a. The rules in this chapter pertaining to expanded news media coverage apply only to news media coverage occurring within the supreme court and court of appeals courtrooms. Recordings of supreme court and court of appeals oral arguments made from other locations within the judicial building are not subject to the rules on expanded news media coverage.

b. A written request for expanded news media coverage within the supreme court and court of appeals courtrooms must be filed with the clerk of the supreme court no later than the Friday immediately preceding the week in which the argument is to be held.